

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11996 of 2020

Sudhakar

... Petitioner

Vs.

The State Represented by,

The Inspector of Police,

District Crime Branch Police

(Crime No.835/2016) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to grant bail to the petitioner in the event of apprehension of arrest in Crime No.835 of 2016 pending on the file of the respondent police.

For Petitioner : Mr.K.Manikandan

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 420 and 406 of IPC, in Crime No.835 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant is that the petitioner, who was working as the ATM machine Operator in the C.M.S. INFOSIS LIMITED, colluded with the other accused and misappropriated Rs.5,07,000/-, while loading cash to ATM machine. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He further submitted that the petitioner

was arrested in another Crime No.348 of 2016 and thereafter this Court granted bail to the petitioner on condition to deposit a title document worth about Rs.25,00,000/-.Though the respondent was aware of this case, they did not take steps to arrest the petitioner in this case. He would submit that in this case, the other accused have been arrested and thereafter released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner along with other accused misappropriated a sum of Rs.5,07,000/- which was handed over to them for loading in the ATM Machine. During the investigation it was found that the accused is involved in similar case, in which, the petitioner already misappropriated a sum of Rs.17,97,200/- and arrested and this Court granted bail to the petitioner with several conditions. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel for the petitioner that in the earlier case the petitioner has already deposited the title deed, worth about Rs.25,00,000/-, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, **within a period of fifteen after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier**, before the **learned Judicial Magistrate No.II, Virudhachalam**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **Two sureties out of which one should be a blood related surety**, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

(C) the Petitioner shall furnish the title deeds of immovable property worth about a sum of Rs.5,00,000/- (Rupees five Lakhs only), to the credit of Crime No.835 of 2016 before the learned Judicial Magistrate-II, Virudhachalam, within 15 days from the date of receipt of copy of this order.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
10/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,VIRUDHACHALAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE,
CUDDALORE DISTRICT

+1 CC to M/S K.MANIKANDAN Advocate on payment of necessary charges SR.NO.6244

CRL OP.11996/2020

Date :10/09/2020

GKS:18/09/2020